

**REMARKS**

Claims 1–24 were previously pending in this Application. Claims 1 and 13 have been amended herein. No new matter has been added. Applicants respectfully request reconsideration of the Application in view of the foregoing amendments and the following remarks.

**Claim Objections**

The Final Office Action dated August 21, 2006 indicates that claims 5–10 and 17–22 have been objected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. See Final Office Action, 08/21/06, p. 5. Applicants respectfully request withdrawal of these objections in view of the foregoing amendments and following remarks.

**Claim Rejections – 35 U.S.C. § 102**

Claims 1–2, 4, 11, 13–14, 16 and 23 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Arata et al. (JP 61-053488). Applicants respectfully submit that the pending claims are patentably distinct from the cited reference.

Amended independent claim 1 recites, inter alia:

An electric compressor, comprising . . . a connecting passage formed along a bottom wall of the motor accommodating chamber for connecting the lowest portion of the motor accommodating chamber with the suction chamber to prevent lubricating oil and liquid refrigerant from staying in the motor accommodating chamber.

Applicants submit that Arata et al. cannot anticipate amended independent claim 1 because the reference does not disclose, teach or suggest each and every element of this claim. See MPEP § 2131. The invention of Arata et al. is directed to a scroll compressor that maintains an appropriate level of lubricating oil (15) in the bottom portion of a motor chamber (11) to reduce

stirring loss caused by the rotation of the rotor (7b), as well as pressure loss occurring around the motor (7). See Arata et al., p. 524. To achieve this objective, Arata et al. disclose a gas inlet port of a gas passage, which extends in a fixed scroll and a frame and sends suction gas from the motor (7) into a suction chamber of the compressor. See Arata et al., pp. 524–25. The gas inlet port is provided at a height substantially equal to the height of the lower end of the rotor (7b). See Arata et al., pp. 524–25. Arata et al. also discloses that the gas inlet port of the gas passage may, alternatively, be provided at a height greater than the height of an upper end of the rotor (7b), wherein an oil inlet port of an oil passage provided in the frame is at a height substantially equal to the height of a lower end of the rotor (7b). See Arata et al., pp. 524–25. Accordingly, the lubricating oil (15) in the motor chamber (11) is maintained at a constant level close to a lower portion of the gas inlet port. See Arata et al., p. 525. Clearly, as seen in Figures 1–4, the inlet in Arata et al. is not located at the lowest portion of the motor chamber (11) but, rather, is located at a higher position that corresponds to the lower portion of the rotor (7b). In other words, Arata et al. fails to disclose a “compressor . . . comprising . . . a connecting passage formed along a bottom wall of the motor accommodating chamber for connecting the lowest portion of the motor accommodating chamber with the suction chamber to prevent lubricating oil and liquid refrigerant from staying in the motor accommodating chamber.” In sharp contrast, the entire focus of Arata et al. is to allow, not prevent, a certain amount of lubricating oil (15) to remain in the motor chamber (11).

The teachings of Arata et al. are directly opposite to the objectives of Applicants’ invention. In the present invention, the inlet of the connecting passage (34) is at the lowest possible position, i.e., at the lowest portion of the motor accommodation chamber (20) along a bottom wall of the motor accommodating chamber (20), so that the mixed liquid is not retained in the motor accommodation chamber (20):

The motor accommodating chamber 20 functions as  
a part of the suction passage of refrigerant gas.  
Refrigerant gas is drawn into the suction chamber

33 from the bottom portion of the motor accommodating chamber 20 through the connecting passage 34. Thus, during the normal operation of the compressor, lubricating oil and liquid refrigerant in a bottom portion of the motor accommodating chamber 20 are drawn into the suction chamber 33 together with suction refrigeration gas, and are prevented from staying in the motor accommodating chamber 20.

See Specification, p. 15, ll. 6–16. Quite simply, while Arata et al. is aimed at maintaining an oil bath inside the motor chamber (11), Applicants' claimed subject matter seeks to prevent this from occurring in order to prevent the mixture of liquids having lowered insulating properties from remaining in the motor accommodating chamber (20). Maintaining an oil bath, as taught by Arata et al., would defeat the entire objective of Applicants' invention, i.e., to prevent the motor (23) from being impregnated with such liquid, thereby causing electricity leakage.

Regarding claim 13, Applicants have made amendments similar to those made to independent claim 1. Accordingly, Applicants submit that the remarks made above with respect to claim 1 apply equally to amended independent claim 13.

For at least the above reasons, Applicants respectfully submit that Arata et al. do not teach or suggest each and every element recited in independent claims 1 and 13 or claims 2, 4, 11, 14, 16 and 23 depending therefrom. Accordingly, these claims define patentable subject matter over the prior art and Applicants respectfully request withdrawal of these grounds of rejection.

#### **Claim Rejections – 35 U.S.C. § 103**

Claims 3 and 15 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Arata et al. in view of Yamada et al., U.S. Patent No. 5,468,130. Claims 12 and 24 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Arata et al. in

view of design choice. Applicants submit that the claims are patentably distinct from the cited references, taken either alone or in combination.

The Final Office Action admits that Arata et al. do not disclose that the surface of the movable scroll is plated with nickel phosphorous but states that Yamada et al. teach that it is conventional in the art to utilize the movable scroll member being coated with nickel phosphorous. See Final Office Action, 08/21/06, p. 4. Regardless of whether coating a movable scroll member is, in fact, conventional, Arata et al. and Yamada et al., in combination, do not teach or suggest all the claim limitations of amended independent claims 1 and 13, as required for establishing a prima facie case of obviousness, because Yamada et al. do not remedy the above-mentioned deficiencies of Arata et al. See MPEP §§ 2143, 2143.03.

Moreover, the Final Office Action admits that Arata et al. do not disclose that the compressor may be used in a vehicle air conditioner but states that one having ordinary skill in the art would have found it obvious to utilize the compressor being used in a vehicle air conditioner because such implementation is merely a matter of design parameters. See Final Office Action, 08/21/06, p. 4. Regardless of whether using the compressor in a vehicle air conditioner would, in fact, be conventional, Arata et al., in combination with such a design choice, do not teach or suggest all the claim limitations of amended independent claims 1 and 13, as required for establishing a prima facie case of obviousness, because such a “design choice” does not remedy the above-mentioned deficiencies of Arata et al. See MPEP §§ 2143, 2143.03.

For at least these reasons, Applicants submit that dependent claims 3, 12, 15 and 24 are patentably distinct from the cited references, taken either alone or in combination. Accordingly, Applicants request withdrawal of these grounds of rejection.

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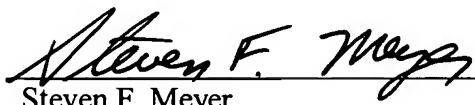
**CONCLUSION**

Based on the foregoing amendments and remarks, Applicants respectfully request reconsideration and withdrawal of the rejection of the claims and allowance of this application.

Respectfully submitted,  
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